

2008 May 07 PM 03:41

CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWNIN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:)	Bankruptcy Case No. 05-40662-kw
)	Northern District of Ohio – Eastern Division
TIMOTHY MOTICHKO AND CYNTHIA)	
MOTICHKO)	
)	Chapter 7
Debtors)	
_____)	Judge Kay Woods
)	
TIMOTHY MOTICHKO AND CYNTHIA)	
MOTICHKO)	
)	
Plaintiffs)	Adversary Proceeding No. 08-04055
-vs-)	
)	
PREMIUM ASSET RECOVERY CORP.)	
)	
Defendant)	

MOTION TO DISMISS

Now comes the Defendant, Premium Asset Recovery Corp., by and through undersigned counsel, and pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rule of Civil Procedure 12(b)(1) and (6), move to dismiss the Plaintiff's Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. The grounds for this motion are more fully set forth in the Memorandum of Law filed contemporaneously herewith.

Respectfully submitted,

/s/ Stephen M. Bales

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CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A true and accurate copy of said pleading was also served upon the following by ordinary U.S. Mail:

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